



Federal Communications Commission
Washington, D.C. 20554

DA 08-1013
April 30, 2008
1800E3-JLB

WSMH Licensee LLC
c/o Clifford M. Harrington, Esq.
Pillsbury Winthrop Shaw Pittman, LLP
2300 N Street, N.W.
Washington, D.C. 20037-1122

Re: MB Docket No. 05-317

Dear Licensee:

By letter dated March 12, 2008, WSMH Licensee LLC ("WSMH"), the permittee of WSMH-DT, Flint, Michigan, requested an extension of its waiver of Section 339(a)(2)(D) of the Communications Act of 1934, as amended, to prohibit satellite subscribers from receiving or conducting a digital signal strength test of WSMH-DT's digital signal.¹ The Commission granted the original digital signal testing waiver based on the fact that WSMH has been unable to construct its authorized DTV facility due to the need for international coordination,² and has granted two six-month extensions.³ In its most recent extension request, WSMH states that it is still awaiting Canadian concurrence to its pending application for a digital construction permit. The Commission received concurrence from Canada on April 18, 2008, and the application was granted on April 28, 2008.⁴

Accordingly, IT IS ORDERED that the request of WSMH IS GRANTED and the first permissible date for digital testing for WSMH-DT IS EXTENDED six months, from April 30, 2008 to October 31, 2008. If a further extension is needed, a request must be filed by August 15, 2008, with oppositions filed with the Commission and served on the relevant parties by August 25, 2008, and replies no later than September 1, 2008.

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau

¹ See 47 U.S.C. § 339 (a)(2)(D)(viii), as amended by Section 207 of the Satellite Home Viewer Extension and Reauthorization Act of 2004 ("SHVERA"), 47 U.S.C. § 339.

² See *Waiver of Digital Testing Pursuant to the Satellite Home Viewer Extension and Reauthorization Act of 2004*, 21 FCC Rcd 4812, 4816 (2006).

³ See *Waiver of Digital Testing Pursuant to the Satellite Home Viewer Extension and Reauthorization Act of 2004*, 22 FCC Rcd 18941, 18942 (2007).

⁴ File No. BPCDT-19991028ACK.